

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2008

No. 07-51262
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JUAN GABRIEL RANGEL-CAMACHO, also known as Juan Gabriel Rangel

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:07-CR-167-ALL

Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

Juan Gabriel Rangel-Camacho (Rangel) appeals the sentence imposed following his guilty plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. The district court enhanced Rangel's sentence by eight levels under U.S.S.G. § 2L1.2(b)(1)(C) based on a determination that Rangel's second state law conviction for possession of a controlled substance qualified as an "aggravated felony."

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Rangel contends that in light of the Supreme Court's decision in *Lopez v. Gonzales*, 549 U.S. 47 (2006), his second state law conviction does not qualify as an aggravated felony. In *United States v. Cepeda-Rios*, 530 F.3d 333, 335-36 (5th Cir. 2008), we rejected the same arguments made by Rangel in this appeal. For the reasons set forth in *Cepeda-Rios*, we also affirm Rangel's sentence.

AFFIRMED.